

Texas relief bonds, first series, prescribing the duties and authority of the Texas Bond Commission in connection with the calling and refunding of said bonds at a lower rate of interest, prescribing the terms and conditions for the issuance and payment of said refunding bonds, providing that Section 5 of Chapter 37, Acts of the First Called Session of the Forty-third Legislature, shall not apply to said refunding bonds, making an appropriation for the payment of principal and interest of said refunding bonds for the biennium ending August 31, 1941, and declaring and emergency."

Referred to Committee on State Affairs.

Senate Resolution 8

Senator Moore, by unanimous consent, offered at this time the following resolution:

Be It Resolved by the Senate of Texas, That the Sergeant-at-Arms be instructed to clear the floor of the Senate 30 minutes before the Senate convenes each morning; and that no one be allowed thereon from that time until the Senate convenes other than those entitled to the privileges of the floor when the Senate is in session.

MOORE,
WEINERT.

On motion of Senator Moore and by unanimous consent, the resolution was considered at this time and was adopted.

Adjournment

On motion of Senator Shivers, the Senate, at 1:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRD DAY

(Thursday, January 12, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Metcalfe and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Report of Standing Committee

The following report of the Committee on Finance was submitted by Senator Redditt:

Senate Chamber,
Austin, Texas,
January 12, 1939.

Honorable Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employes of the Regular Session of the Forty-six Legislature and to pay any unpaid accounts of the Second Called Session of the Forty-fifth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back with recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Senate Bills on First Reading

The following Senate bills were introduced, read severally first time,

and referred by the President to the committees indicated:

By Senator Redditt:

S. B. No. 26, A bill to be entitled "An Act to amend Article 4504 of Chapter 6 of Title 71 of the Revised Civil Statutes of Texas and Article 740, Chapter 6 of Title 12 of the Penal Code of Texas, eliminating from said Articles the phrase 'and that no charge is made therefor, directly or indirectly,' and inserting in lieu of said phrase the following 'and provided, further, that all those so ministering or offering to minister to the sick or suffering shall refrain from maintaining offices, except for the purposes of exercising the principles, tenets, or teachings of the Church of which they are bona fide members,' and declaring an emergency."

Referred to Committee on Public Health.

By Senator Nelson:

S. B. No. 27, A bill to be entitled "An Act amending Chapter 245, Acts of the Regular Session of the Forty-third Legislature, to provide additional regulation of state-wide Mutual Assessment Insurance Companies; requiring the filing of rate schedules; requiring a deposit of cash or securities and providing how such deposit is to be used; providing the purposes for which claim funds may be used; providing how mortuary funds may be invested; limiting the benefits that may be promised; providing that all companies now operating under said Act shall be subject to these provisions; and that the rates of assessments or premiums collected on existing policies shall be made to conform to the provisions of this Act; requiring that such companies shall collect sufficient assessments or premiums to enable them to pay their claims in accordance with policy provisions; providing for the merger or dissolution of groups or companies not meeting the requirements of this Act; giving the Board of Insurance Commissioners authority to prescribe reasonable rules and regulations to carry out the provisions of this Act; providing that no companies or groups may be merged except with the approval of the Board of Insurance Commissioners; defining insolvency; prescribing the method of dealing with

insolvent or unlawfully operated companies; and declaring an emergency."

Referred to Committee on Insurance.

By Senator Nelson:

S. B. No. 28, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-first Legislature of Texas; authorizing the Board of Directors of Texas Technological College to erect and equip and to contract for the erection, completion, and equipment of certain dormitories, cottages, and other buildings and improvements and to purchase or lease additional real estate therefor, to contract with municipalities and school districts for the joint construction of certain buildings, to issue certain revenue obligations to pay therefor and as security to pledge the net rents, fees, and net rents, fees, revenue and incomes of other certain properties owned by said college, limiting the rate of interest to be borne by such obligations to a rate not to exceed six (6%) per cent per annum and the maturity date thereof for a period not exceeding twenty (20) years from date thereof; authorizing said Board of Directors to pledge the unused part of any revenues from self-liquidating buildings for the construction of additions to said buildings or the construction of any other buildings and the purchase of sites therefor, providing that subsequent issue of revenue bonds or notes shall be a second lien and inferior to outstanding revenue bonds or notes secured by pledge of said revenues; prescribing certain powers and duties in regard to establishing and maintaining schedules of rates, fees, and charges sufficient to pay operating and maintenance costs and to pay principal and interest upon the obligations herein authorized and limiting the maximum fees which may be charged; authorizing said Board of Directors to adopt certain rules and regulations in regard to the control of improvements authorized herein; prohibiting the creation of any debt against said college or the State of Texas and prescribing the manner of payment of the obligations authorized herein; providing for the approval of all bonds by the Attorney General of Texas and the registration thereof by the Comptroller of Public Accounts of Texas and the approval of the State Auditor of all revenue bonds or rev-

enue notes herein authorized; authorizing said Board of Directors to borrow money and issue obligations of said college therefor payable within the biennium of the then current appropriation bill; empowering said Board of Directors to do any and all things necessary and convenient to carry out the purpose and intent of this law; repealing all laws and parts of laws in conflict herewith; providing that if any section, provision, or part of this act is held invalid the remaining sections, provisions, and portions shall not be affected thereby; and declaring an emergency."

Referred to Committee on Finance.

By Senator Winfield:

S. B. No. 29, A bill to be entitled "An Act making it unlawful for any person, firm, copartnership, corporation, association or other organization or any combination thereof to engage in business or act in the capacity of a contractor individually or jointly with others without having obtained a license as provided by this act, and providing that such act shall not apply to representatives of the United States Government, the State of Texas or municipal or political corporations of the State of Texas, officers of courts acting within the scope of their office, certain public utilities, owners of property not intended for sale, sellers or installers of material not actually fabricated into a permanent part of a structure, work on personal property, any construction, alteration or improvement on any reservation of the Federal Government, work where the aggregate contract price is less than \$100.00, any construction incidental to irrigation and drainage ditches, reclamation districts or farming, dairying, agriculture, viticulture, horticulture, stock or poultry raising, or work upon land in rural districts for fire prevention purposes, except when performed by a licensee under this Act, defining the word 'contractors' and classifying and defining contractors into general engineering contractors, general building contractors and specialty contractors, and authorizing the Registrar of Contractors, with approval of this Contractors' State License Board, to adopt rules and regulations to effect classification of contractors in accordance with the definition of the branches of the contracting business and establish usage

in the construction business, creating the Contractors' State License Board, composed of seven members, six of whom shall be appointed by the Governor and the seventh shall be the Commissioner of Labor Statistics, providing for their qualifications and terms of office and for the organization meetings and for other meetings of the powers and duties of the Contractors' State License Board and designating the Commissioner of Labor Statistics as Registrar of Contractors, and giving him authority to appoint a deputy registrar and other assistants and subordinates as may be necessary, and with the approval of the Board to fix the compensation to be paid to such assistants and subordinates, and providing for the application for a license under rules and regulations which may be adopted by the Contractors' State License Board and for the qualifications of any applicant for a license and the initial payment for a license fee of \$25.00, and providing for the issuance of a license if applicant has necessary qualifications and for annual renewal fee of \$10.00, and an annual renewal of license, and providing that upon failure to pay the annual renewal fee the license shall be suspended and renewable only upon the payment of a fee of \$5.00 in addition to the current renewal fee, and providing that the license issued shall be signed by the licensee, be non-transferable and be displayed in the licensee's main office or chief place of business and that a surviving member or members of a licensed copartnership, by reason of death, shall be entitled to continue in business under such license until the expiration date and that licensees shall report to the Registrar all changes of personnel, name, style or addresses and requiring the Registrar to maintain in the office of the Commissioner of Labor Statistics a record of all applications for and licenses issued and enumerating the acts or omissions for which a license may be temporarily suspended or permanently revoked and providing the procedure for a hearing to suspend or revoke a license and for an appeal to the district court from the action of the Registrar of Contractors in refusing, suspending or revoking a license, and giving the Registrar of Contractors or any member of the Board power to administer oaths, certify to official acts and issue subpoenas for

witnesses, and providing for the renewal of licenses suspended or revoked and making it a misdemeanor for any person to act in the capacity of a contractor within the meaning of this act without a license, and that no person acting in the capacity of a contractor shall bring or maintain any suit in any court of this State for the collection of compensation for the performance of any act for which a license is required without alleging and proving that such person was a duly licensed contractor at all times during the performance of such act or contract, defining the term 'person,' allowing expenses and fixing compensation to members of the Board, making the State Treasurer custodian of the revenues derived under the provisions of this act, which revenues shall be credited to the account of the Contractors' State License Board, making an appropriation for the funds collected during the fiscal year ending August 31, 1939, and each succeeding year thereafter, with the exception of ten per cent of said funds, which ten per cent is to be paid into the General Revenue Fund of the State of Texas, providing that expenses of the Contractors' State License Board shall be paid out of the fund in the State Treasury to the credit of the Contractors' State License Board upon requisition signed by the Registrar and a warrant of the Comptroller, and making an appropriation of \$1,000.00 out of the general revenue for organization expenses, and providing that if any portion of this Act is declared unconstitutional the decision shall not affect the validity of the remaining portions, and repealing all laws in conflict with this Act, and providing the Act shall be cited as the Contractors' State License Law, and declaring an emergency."

Referred to Committee on Labor.

By Senator Winfield:

S. B. No. 30, A bill to be entitled "An Act repealing Articles 671, 672 and 679 to 687, both inclusive, Revised Civil Statutes of the State of Texas, 1925, and creating a division of the Board of Control to be known as the Division of Inspection of Masonry, Public Buildings and Works, and creating the office of State Inspector of Masonry, Public Buildings and Works, fixing his salary and providing for his actual and necessary

traveling expenses in the performance of his duties, prescribing his qualifications and defining his duties in connection with the inspection of material and workmanship of all buildings and other structures of the State of Texas and the inspection, prior to the adoption thereof, of plans and specifications for public buildings and structures and additions thereto to be constructed by contract or otherwise for the State of Texas, and with the consent of the Governor, reject any such plans or specifications, and providing that when the contract price is \$25,000.00 or more, for the inspection of plans and specifications of proposed municipal buildings by the State Inspector of Masonry, Public Buildings and Works and aid the authorities in charge thereof in the construction and the superintendency over the construction of all such municipal buildings, structures and additions as may be erected by contract or otherwise by counties, cities, municipalities and other political subdivisions, and authorizing the appointment by the State Inspector of Masonry, Public Buildings and Works with the consent of the Board of Control, of such assistants as may be necessary in the performance of his duties, fixing their salaries and allowing actual and necessary traveling expenses, and prescribing their qualifications, and providing for the payment of traveling expenses incurred under this act when allowed and approved by the State Auditor and efficiency expert, and fixing an inspection charge of one (1) per cent of the contract price or estimated cost of each municipal building, such sum to be paid into the State Treasury and used for the payment of the salary and expenses of the State Inspector of Masonry, Public Buildings and Works and his assistants, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Small:

S. B. No. 31, A bill to be entitled "An Act to provide for the issuance of a certificate of title for each motor vehicle registered or licensed or to be hereafter registered or licensed within this State; to provide for the issuance of an interim receipt; defining the words 'motor vehicle,' 'lien,' 'owner,' 'mortgagee,' 'mortgagor,' 'first sale,' 'subsequent sale,' 'new car,'

'used car,' 'person,' 'hereafter,' 'receipt,' 'stolen,' 'converted,' 'concealed motor vehicle,' 'manufacturer,' 'importer,' 'distributor,' 'dealer,' 'motor number,' 'serial number,' 'manufacturer's certificate,' 'importer's certificate,' 'certificate of title,' 'department' and 'designated agent'; to provide for the issuance of manufacturer's and importer's certificates covering motor vehicles brought into this State or manufactured within this State; to prohibit the operation of motor vehicles on the highways or public places within this State without having applied for a certificate of title; to provide for the issuance of certificate of title and registration card; to prohibit the sale of registered or licensed motor vehicles within this State without having in the seller's possession the receipt for certificate of title or certificate of title thereto and return of registration card therefor; to prohibit the purchase of a registered or licensed motor vehicle within this State without demanding of the seller a receipt for application for certificate of title or certificate of title thereto properly transferred; to provide for the issuance of new certificates of title or registration card when the certificate issued has been lost or destroyed or transfer forms become filled in, or title to the motor vehicle transferred by operation of law; to provide for the cancellation of certificates of title when the motor vehicle transferred by operation of law; to provide for the cancellation of certificates of title when the motor vehicle has been destroyed or materially changed, to invalidate liens on motor vehicles unless noted on the receipt or certificate of title, and to provide for the priority of all valid liens, and to provide that no liens on a motor vehicle need be filed in the office of the County Clerk as now provided by law; to provide that exposure for sale of a motor vehicle shall not affect the rights of any mortgagee; to provide for evidencing the discharge of liens on motor vehicles; to provide for notice to the Department of Public Safety of the State of Texas of stolen, converted and concealed automobiles; to prohibit the application for a certificate of title on any motor vehicle known to have been stolen, converted or concealed; to authorize highway patrolmen to search, with or without a warrant any vehicle believed to be operated under a false

certificate of title; to authorize the Department of Public Safety of the State of Texas to promulgate reasonable rules and regulations concerning the application for issuance and re-issuance of certificates of title to motor vehicles; to provide for refusal to issue certificates of title by the Department of Public Safety, suspension and revocation thereof, hearing and appeal; make it the duty of the county tax collectors within this State, designated as agents of the Department of Public Safety of the State of Texas to comply with the provisions of this Act; making it an offense to make any false statement in an application for certificate of title; providing for fees to be paid with each application and for each certificate of title; prohibiting the alteration of any receipt or certificate; prohibiting the use of a false or fictitious name or address in any application for a certificate; providing exemptions from the provisions of this Act and to provide that this Act shall become effective October 1, 1939 and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

Messages from the Governor

The President laid before the Senate, and had read, the following messages from the Governor:

Austin, Texas,
January 11, 1939.

To the Members of the Forty-sixth Legislature:

At the request of the Attorney General and the Texas Bond Commission, I submit to you for emergency and immediate action the matter of authorizing the refunding of Texas relief bonds, first series, so as to provide for a lower rate of interest (not exceeding 2%).

I am advised by the Attorney General that a bill has been prepared which if passed immediately will enable us to make a saving of more than \$80,000.00 in interest on the first series of these relief bonds.

I also submit the subject of renewing and re-creating the special district court for Montgomery, San Jacinto and Polk Counties, and for Rusk County.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Austin, Texas,
January 12, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be a Member, Board of Directors, College of Arts and Industries: Frank C. Smith, of Houston, Harris County (to succeed James Kilday, resigned).

To be Emergency Notary Public: R. J. Carter, of Beaumont, Jefferson County.

R. E. Shumard, of Houston, Harris County.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

House Bill 1 on Second Reading

On motion of Senator Redditt and by unanimous consent, Senate Rules 31a and 48 were suspended severally, to permit consideration of H. B. No. 1 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-sixth Legislature, and to pay any unpaid accounts of the Second Called Session of the Forty-fifth Legislature, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid H. B. No. 1 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Senate Notified

A committee of five Members of the House appeared at the bar of the Senate, and Mr. Hull, a member of the committee, announced that the House has completed its organization and is ready for the transaction of business.

Additional Signer of Senate Bill 5

On motion of Senator Moore, and by unanimous consent, the name of Senator Van Zandt was added to S. B. No. 5 as a signer thereof.

Hour for Executive Session Set

Senator Shivers asked unanimous consent of the Senate that 10:30

o'clock a. m. today be set as the hour for the Senate to go into executive session to consider nominations heretofore submitted by the Governor.

There was no objection offered, and it was so ordered.

Recess

On motion of Senator Shivers, the Senate at 10:19 o'clock a. m. took recess to 10:29 o'clock a. m. today.

Executive Session

The President called the Senate to order at 10:29 o'clock a. m., and at 10:30 o'clock, a. m., he announced that the hour heretofore fixed for an executive session of the Senate had arrived.

The President ordered the floor and galleries cleared of all those not entitled to attend the executive session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following report of the Committee on Nominations of the Governor had been adopted:

Committee Room,
Austin, Texas,
January 12, 1939.

Honorable Walter Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the nominations of notaries public heretofore submitted by the Governor, recommend that they be in all things confirmed.

SHIVERS, Chairman.

Recess

On motion of Senator Hill, the Senate at 10:45 o'clock a. m. took recess to 2:45 o'clock p. m. today.

Afternoon Session

The Senate met at 2:45 o'clock p. m. and was called to order by the President.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 12, 1939.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 2, Providing for Committees to count votes cast for Governor and Lieutenant Governor.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five (5) Senators and the Speaker of the House of Representatives appoint five (5) Members of the House of Representatives to count the votes in the recent election for Governor and Lieutenant Governor, and to make the necessary arrangements for their inauguration.

H. C. R. No. 11, Authorizing adjournment of the House and Senate from January 12, 1939 to January 16, 1939.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution 11

The President laid before the Senate:

H. C. R. 11, Authorizing adjournment of House and Senate from January 12, 1939 to January 16, 1939.

On motion of Senator Van Zandt and by unanimous consent, the resolution was considered at this time and was adopted.

Senate Resolution 9

Senator Head, by unanimous consent, offered the following resolution:

Whereas, The Fourth General Assembly of the Council of State Governments will meet in Washington, D. C., January 18th to the 20th, 1939, inclusive; and,

Whereas, This Assembly was organized in 1933 with President Roosevelt's assistance, the delegates thereto from some forty-one States, representing the Governor of the State and one representative from the Senate and one from the House of Representatives; and,

Whereas, The Third General Assembly was held in 1937 at which official delegates from some forty of the United States attended; and

Whereas, This Assembly deals with matters involving the attitude of the Federal Government on taxation and other kindred matters, and with the matter of cooperation among States and groups of States on various questions of interest to the several States; and,

Whereas, There is a great tendency for the National Government to take over the field of taxation from the various State Governments and to take over other fields of government because of the failure of the States to cooperate among themselves; and,

Whereas, A recent study of trade barriers between States has revealed an alarming situation vitally affecting the State of Texas; and

Whereas, There is urgent need for better cooperation among the States if the powers and duties are to be retained by them; and the work of this General Assembly is looking toward this retention of such rights and duties; and it is important that the Senate of Texas be represented in this General Assembly; now, therefore, be it

Resolved by the Senate of Texas, That the Lieutenant Governor appoint a delegate to represent the Senate of Texas at said meeting and that the necessary expenses incurred by said Senator be paid from the contingent fund.

HEAD,
ROBERTS.

On motion of Senator Head, and by unanimous consent, the resolution was considered at this time and was adopted.

Senate Joint Resolution on First Reading

By unanimous consent, the following Senate joint resolution, at this time, was introduced, read first time, and referred by the President to the Committee on Constitutional Amendments:

By Senator Sulak:

S. J. R. No. 5, Proposing an amendment of Section 51-b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to ex-

ceed Fifteen Dollars (\$15.00) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State-supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for old age pensions and/or assistance; levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

Bill and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read severally, the following enrolled bill and resolution:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employes of the Regular Session of the Forty-sixth Legislature, and to pay any unpaid accounts of the Second Called Session of the Forty-fifth Legislature, and declaring an emergency."

H. C. R. No. 2, Providing for a joint session of the House of Representatives and the Senate Wednesday, January 11, 1939, for the purpose of hearing the message of His Excellency the Honorable James V. Allred, Governor of the State of Texas.

Senate Resolution 10

Senator Small, by unanimous consent, offered the following resolution:

Be it Resolved, That all persons heretofore employed for pre-session organization be allowed the same compensation for such service as set out in Caucus Report of the Senate of the Forty-sixth Legislature.

On motion of Senator Small, and by unanimous consent, the resolution was considered at this time and was adopted.

Joint Session

The President announced that the hour fixed by concurrent action of the two Houses to meet in joint session to count the votes for Governor and Lieutenant Governor had arrived.

Accordingly, the President of the Senate and Senators present repaired to the Hall of the House of Representatives at 3:00 o'clock p. m.

The Senators were announced at the bar of the House, and were admitted and escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

Hon. Homer Leonard, occupying the Speaker's Chair temporarily, announced that the two Houses were in joint session to count the votes for Governor and Lieutenant Governor cast at the General Election held on Tuesday, November 8, 1938.

Mr. Leonard directed the Clerk to call the roll of the House.

The roll was called, and a quorum of the House was announced present.

The President called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalf

Moffett
Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears

Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

A quorum of the Senate was announced present.

Mr. Leonard then requested the joint committee, appointed pursuant to S. C. R. No. 1 to act as tellers, to come forward and receive the returns of votes cast at the last General Election for Governor and Lieutenant Governor, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Brownlee, Roberts, Moore, Hardin and Martin, on the part of the Senate, and Messrs. Harris, Dean, Harrell of Bastrop, Derden and Kern, on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

When the count was completed, the joint tellers presented the following report, which was read to the joint session:

House of Representatives,
Austin, Texas,
January 12, 1939.

Hon. Walter Woodul, Lieutenant Governor;

R. Emmett Morse, Speaker:

We, the joint committee and the tellers appointed by the Senate and House of Representatives to canvass the votes cast at the last General Election held in the State of Texas on November 8, 1938, for Governor and Lieutenant Governor of the State of Texas as shown by returns delivered to us by Secretary of State, beg leave to report that we have performed that duty and the result of our canvass is as follows:

There were cast for Governor:

	Votes
W. Lee O'Daniel.....	473,526
Alexander Boynton	10,940
Earl E. Miller.....	398
Homer Brooks	424

There were cast for Lieutenant Governor:

	Votes
Coke R. Stevenson.....	462,597
Cecil Robinett	1,023

Two hundred fifty-two counties reporting.

All of which is respectfully submitted.

BROWNLEE,
Chairman;

MOORE,
ROBERTS,
MARTIN,
HARDIN,

On the part of the Senate.

HARRIS,
Chairman;

HARRELL
of Bastrop,
KERN,
DERDEN,

On the part of the House.

Whereupon, Hon. Homer Leonard made the following announcement:

"Hon. W. Lee O'Daniel, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Hon. Coke R. Stevenson, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and Laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years."

The business of the joint session having been concluded, the President requested the Senators to proceed in a body to the Senate Chamber.

In the Senate

The President called the Senate to order at 5:00 o'clock p. m.

Senate Bill on First Reading

By unanimous consent, the following Senate bill, at this time, was introduced, read first time, and referred by the President to the Committee on Mining, Irrigation and Drainage:

By Senator Small:

S. B. No. 32, A bill to be entitled "An Act directing the Railroad Commission of Texas to inquire into the

production of natural gas to determine whether or not waste or drainage is taking place; directing the Commission to prorate gas production when either waste or drainage is found to exist; defining certain terms; providing for the promulgation of rules and regulations; directing the Commission to limit the production of gas to an amount to supply statutory purposes; and declaring an emergency."

Message From the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,
January 12, 1939.

To the Members of the Forty-sixth Legislature:

I hereby submit to you for emergency action a bill by Gordon and Colson, et al, to amend Article 1901, of the Revised Civil Statutes of Texas, pertaining to the custody and care of records.

The purpose of this bill will be explained to you by its sponsors, but it is imperative that it be promptly passed.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Adjournment

On motion of Senator Beck, the Senate, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, January 16, 1939.

FOURTH DAY

(Monday, January 16, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Metcalfe
Collie	Moffett
Graves	Moore
Hardin	Nelson
Hill	Pace
Isbell	Redditt